

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 LUCIANO TONELLI, )  
8 Plaintiff, ) CASE NO. C06-698-TSZ-JPD  
9 v. )  
10 SARGENT AUTRY, *et al.*, ) ORDER STRIKING PLAINTIFF'S  
11 ) MOTION FOR EXTENSION OF TIME  
12 Defendants. )

13 Plaintiff is a Washington state prisoner proceeding *pro se* in this civil rights action pursuant  
14 to 42 U.S.C. § 1983. Two of the three named defendants have filed their answer and the third –  
15 former corrections officer Brandon Siivone – has recently been served with a copy of the complaint.  
16 Plaintiff has filed a motion for extension of time to locate defendant Siivone. (Dkt. #29). Having  
17 reviewed the motion and the balance of the record, the court does hereby find and ORDER:

18                         (1) The Clerk has mailed to defendant Siivone a copy of the complaint, at an address  
19 provided by counsel for defendants. Accordingly, it is not necessary for plaintiff to locate defendant  
20 Siivone and the Clerk shall STRIKE plaintiff's motion for an extension of time (Dkt. #29) as  
21 unnecessary. In addition, the court notes that plaintiff did not mail a copy of the motion to  
22 defendants. Although plaintiff attaches a certificate of service to the motion, the certificate states  
23 only that plaintiff mailed a copy of the motion to the court; it does not state that he mailed a copy to  
24 counsel for defendants. **Plaintiff is reminded again that pursuant to Federal Rule of Civil**  
25 **Procedure 5(a) and Local Rule CR 5(f), he must send a copy of every motion he files to counsel**  
26 **for defendants, or the court will strike the motion and will not consider it.**

**ORDER STRIKING PLAINTIFF'S MOTION FOR EXTENSION OF TIME  
PAGE - 1**

1                   (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
2 defendants, and to the Honorable Thomas S. Zilly.

3                   DATED this 22nd day of September, 2006.

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6                   JAMES P. DONOHUE  
7                   United States Magistrate Judge

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